HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 5150 of 2007

DATED: 15-03-2007

Between:

M/s Tirumala Traders, rep. by its
Proprietor V.Subba Rao

…Petitioner

and

Asst.Supply Officer, Circle I,
Vijayawada, Krishna District and another

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5150 of 2007

ORAL ORDER:

294.00 Quintals of Red Gram, assessed to be of a value of Rs.7,35,000/-, was seized from the godown of Central Ware House Corporation, Bhavanipuram, Vijayawada on 17-2-2007. The seized scheduled commodities belong to the petitioner. The seizure was on the allegation of contravention of Clause 3 of the Andhra Pradesh Scheduled Commodities Dealers (Licensing and Distribution) Order, 1982 (for short 'the Distribution order, 1982') and violation of the provisions of the Essential Commodities Act, 1955 (for short 'the Act') for pursuing the business in scheduled commodities without a licence under the provisions of the Distribution order, 1982. Proceedings under Section 6 of the Act are under process.

By an order dated 23-2-2007 the 2nd respondent in purported exercise of the power under Section 6-A(2) of the Act passed an order directing interim disposal of the seized commodities. The singular reason recorded by the 2nd respondent is that the seized stock is of perishable nature, which it is not. The order of the 2nd respondent is clearly inconsistent with the law declared by this Court in the Judgment dated 27-2-2007 in W.P.No.3761 of 2007. For this reason, the impugned order must perish and is accordingly set aside. The 2nd respondent or the appropriate competent authority however, is at liberty to pass a fresh order in accordance with law and the principles

spelt out in the Judgment above.

The writ petition is disposed of as above at the stage of admission, after hearing the learned Government Pleader for Civil Supplies also. There shall be no order as to costs.

GODA RAGHURAM, J

15-03-2007
GRR